United Nations A/63/193

General Assembly

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Sixty-third session

Request for the inclusion of a supplementary item in the agenda of the sixty-third session

Commemoration of the seventy-fifth anniversary of the Great Famine of 1932-1933 in Ukraine (Holodomor)

Letter dated 12 August 2008 from the representatives of the Czech Republic, Estonia, Georgia, Latvia, Lithuania, Poland and Ukraine to the United Nations addressed to the Secretary-General

We have the honour to inform you that this year is the last in the biennial commemoration of the seventy-fifth anniversary of the Great Famine (Holodomor) of 1932-1933 in Ukraine.

Therefore, and in accordance with rule 14 of the rules of procedure of the General Assembly, we have the honour to request the inclusion in the agenda of the sixty-third session of the General Assembly of a supplementary item entitled "Commemoration of the seventy-fifth anniversary of the Great Famine of 1932-1933 in Ukraine (Holodomor)", with subsequent consideration of the item directly at a plenary meeting of the General Assembly.

It should be noted that, in a spirit of compromise, the delegation of Ukraine took into account with appreciation the suggestions of several delegations concerned to include this item in the agenda of the sixty-third session of the General Assembly, as well as a proposal regarding the commemoration of the memory of other nationalities who died of starvation in the former Soviet Union.

In accordance with rule 20 of the rules of procedure of the General Assembly an explanatory memorandum is attached herewith (see annex).

08-46542 (E) 210808

We would appreciate it if the text of the present letter and its annex could be circulated as a document of the General Assembly.

(*Signed*) Petr **Kaiser**
Chargé d'affaires a.i. of the Czech Republic to the United Nations

(*Signed*) Helen **Kaljuläte**
Chargé d'affaires a.i of the Republic of Estonia to the United Nations

(*Signed*) Irakli **Alasania**
Ambassador
Permanent Representative of Georgia to the United Nations

(*Signed*) Klavs **Sniedze**
Chargé d'affaires a.i. of the Republic of Latvia to the United Nations

(*Signed*) Ridas **Petkus**
Chargé d'affaires a.i. of Lithuania to the United Nations

(*Signed*) Pawel **Herczyński**
Chargé d'affaires a.i. of the Republic of Poland to the United Nations

(*Signed*) Viktor **Kryzhanivskyi**
Chargé d'affaires a.i. of Ukraine to the United Nations

Annex

Explanatory memorandum

Between 1932 and 1933, millions of people in the former Soviet Union died of mass starvation.

In Ukraine that famine became known as Holodomor (killing by hunger) as it resulted from deliberate homicidal political decisions of the totalitarian Stalin regime.

Honouring the seventy-fifth anniversary of the tragedy, Ukraine also commemorates the memory of millions of Russians, Kazakhs and representatives of other nationalities who died of starvation in the Volga River region, Northern Caucasus, Kazakhstan and other parts of the former Soviet Union, as a result of disastrous attempts at agricultural collectivization and nationalization.

In 2003 a joint statement on the occasion of the seventieth anniversary of Holodomor was circulated as a document of the General Assembly and became an important milestone in the promotion of international awareness about the famine. In the statement, for the first time in the history of the United Nations, Holodomor was officially recognized as the national tragedy of the Ukrainian people, caused by the cruel actions and policies of the totalitarian regime. The document also encouraged research and dissemination of information about the events of 1932-1933 in order for that knowledge to "strengthen effectiveness of the rule of law and enhance respect for human rights and fundamental freedoms".

On 28 November 2006 the Verkhovna Rada (Parliament) of Ukraine passed a bill, condemning the artificially made Great Famine (Holodomor) of 1932-1933 in Ukraine.

Signing the bill into law, the President of Ukraine, Victor Yushchenko, welcomed the historic decision by Ukrainian lawmakers as one that aimed at restoring Ukraine's national dignity and historical justice, and appealed for worldwide support for Ukraine's efforts to honour the victims of Holodomor.

Ukraine has released Holodomor records from the ex-KGB archives that uncovered the purposes and mechanisms of the realization of the policy which resulted in the death of millions of its people.

Holodomor has become an object of research in many countries. In less than five years abundant archival materials have been published in Great Britain, Italy, France and other States.

All those findings show that specifically in the Ukrainian case famine had a deliberate and organized nature.

Through the implementation of repressive measures, among them:

(a) Imposition of excessive grain procurement quotas;

(b) Confiscation of everything that was good for food;

(c) Prohibition on trade in foodstuffs;

(d) Deployment of internal and border troops to keep the starving people from travelling to other regions of the USSR in search of food;

the Ukrainian population appeared in a ghetto, where it was not possible to survive.

For Ukraine it is important to encourage further worldwide research into the policies that brought about mass starvation and death of people in Ukraine and in other regions of the former Soviet Union in order to better understand the nature of the tragedy caused by the totalitarian regime.

Ukraine does not want to settle scores with the past, which cannot be changed. Our goal is to restore the dignity and to honour the memory of millions of our compatriots who were outrageously deprived of their sacred lives. International awareness about Holodomor is knowledge that can and must be used to avoid the repetition of similar tragedies in future.

United Nations A/63/194

General Assembly

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22 August 2008

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Sixty-third session

Request for the inclusion of a supplementary item in the agenda of the sixty-third session

Need to examine the fundamental rights of the 23 million people of the Republic of China (Taiwan) to participate meaningfully in the activities of the United Nations specialized agencies

Letter dated 14 August 2008 from the representatives of Belize, Burkina Faso, El Salvador, the Gambia, Honduras, the Marshall Islands, Nauru, Nicaragua, Palau, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Solomon Islands, Swaziland and Tuvalu to the United Nations addressed to the Secretary-General

Upon the instruction of our respective Governments, we have the honour to request, pursuant to rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-third session of a supplementary item entitled "Need to examine the fundamental rights of the 23 million people of the Republic of China (Taiwan) to participate meaningfully in the activities of the United Nations specialized agencies". Pursuant to rule 20 of the rules of procedure, we attach an explanatory memorandum (annex I) and a draft resolution (annex II).

(*Signed*) Paulette **Elrington**
Chargé d'affaires a.i.
Permanent Mission of Belize to the United Nations

(*Signed*) Michel **Kafando**
Ambassador
Permanent Representative of Burkina Faso to the United Nations

(*Signed*) Carlos Enrique **García González**
Chargé d'affaires a.i.
Permanent Mission of El Salvador to the United Nations

08-47044 (E) 250808

(*Signed*) Habib Tamasa Baba **Jarra**
Chargé d'affaires a.i.
Permanent Mission of the Gambia to the United Nations

(*Signed*) Jorge Arturo **Reina Idiaquèz**
Ambassador
Permanent Representative of Honduras to the United Nations

(*Signed*) Philip **Muller**
Ambassador
Permanent Representative of the Republic of the Marshalls Islands
to the United Nations

(*Signed*) Marlene **Moses**
Ambassador
Permanent Representative of the Republic of Nauru
to the United Nations

(*Signed*) María **Rubiales de Chamorro**
Ambassador
Permanent Representative of Nicaragua to the United Nations

(*Signed*) Stuart **Beck**
Ambassador
Permanent Representative of the Republic of Palau
to the United Nations

(*Signed*) K. Alex **Woodley**
Chargé d'affaires a.i.
Permanent Mission of Saint Kitts and Nevis to the United Nations

(*Signed*) Michelle **Joseph**
Chargé d'affaires a.i.
Permanent Mission of Saint Lucia to the United Nations

(*Signed*) Camillo **Gonsalves**
Ambassador
Permanent Representative of Saint Vincent and the Grenadines
to the United Nations

(*Signed*) Domingos Augusto **Ferreira**
Chargé d'affaires a.i.
Permanent Mission of Sao Tome and Principe to the United Nations

(*Signed*) Collin **Beck**
Ambassador
Permanent Representative of Solomon Islands to the United Nations

(*Signed*) Petunia Lindiwe **Mndebele**
Chargé d'affaires a.i.
Permanent Mission of the Kingdom of Swaziland
to the United Nations

(*Signed*) Afelee F. **Pita**
Ambassador
Permanent Representative of Tuvalu to the United Nations

Annex I

Explanatory memorandum

I. Foreword

In order to effectively address issues related to the welfare of mankind in the era of globalization, cooperation among all members of the international community is imperative. Such issues cover the areas of economics, culture, education, health, transport, finance, telecommunication, environmental protection, sustainable development, human rights, anti-drug-trafficking, counter-terrorism etc. Being the most important multilateral platforms for dealing with global issues, the specialized agencies of the United Nations system should open their arms to the participation of all members of the international community based on the principle of universality.

The Republic of China (Taiwan) has been denied participation in the conferences, mechanisms and conventions of the United Nations and the specialized agencies since 1971, thereby creating a major breach in the operations of the United Nations system.

It is our hope that the international community fully understands that Taiwan's meaningful participation in the specialized agencies is of benefit to all humankind, and will therefore render Taiwan necessary support. While both sides of the Taiwan Strait are stepping up efforts to improve relations, we hope that the People's Republic of China will also understand the aspiration of the 23 million people of Taiwan to participate meaningfully in the United Nations specialized agencies and show its goodwill and flexibility in this regard.

II. Reasons for Taiwan's participation in the specialized agencies

A. Participation in the specialized agencies is the fundamental right of Taiwan's 23 million people

According to the Charter of the United Nations, the mission of the United Nations is to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". Similarly, Article 2 of the Universal Declaration of Human Rights states, "Everyone is entitled to all the rights and freedoms ..., without distinction of any kind ... no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs ...". On the basis of these declarations, the 23 million people of Taiwan are entitled to the same fundamental human rights as all peoples under the auspices of the United Nations.

B. There is a need for Taiwan to participate in the specialized agencies

The global issues tackled by the specialized agencies are closely connected to the well-being of all mankind. As Taiwan cannot attend the conferences, mechanisms and activities of the specialized agencies, the welfare of its people as well as the interests of all humankind have been seriously jeopardized.

For instance, Taiwan has been campaigning for participation in the World Health Organization (WHO) for years, but has been unable to establish direct access to and communication with WHO regarding disease prevention. In addition, Taiwan is restricted from attending WHO technical conferences and activities. As a result,

Taiwan can neither acquire the latest medical and health updates nor receive timely assistance when epidemics occur, as was the case with SARS. Furthermore, as early as May 2006, Taiwan announced its decision to comply voluntarily with the International Health Regulations (IHR 2005) that entered into force on 15 June 2007. Although Taiwan has repeatedly submitted updates to WHO about various diseases, WHO has never responded. This has been detrimental to the health rights of the 23 million people of Taiwan and foreigners residing in and travelling to Taiwan. It also creates a weak spot in the global epidemic surveillance network which will harm the international community.

The Taipei Flight Information Region lies at the heart of East Asia, with 12 international and 4 domestic routes covering its 176,000 square nautical miles of air space. Tourists on average make 40 million trips to Taiwan, and around 1.7 million tons of air cargo are shipped to Taiwan annually, making it a key link in global aviation security. However, Taiwan remains unable to participate in meetings held by the International Civil Aviation Organization. Therefore, Taiwan lacks access to crucial information with which to formulate domestic civil aviation rules and measures that conform to international regulations. This creates a dangerous rift in global aviation security.

With the world's tenth largest shipping capacity, Taiwan has no access to the meetings of the International Maritime Organization and cannot acquire information at first hand. To make matters worse, the validity of Taiwan seaman's certificates has been frequently challenged, thereby hampering the development of Taiwan's shipping industry.

C. Taiwan is ready, willing and able to contribute to the international community

Being the world's eighteenth largest economy and twentieth largest outbound investor, Taiwan possesses significant economic strength. Taiwan hopes to share its development experiences with many developing countries. Taiwan is also willing to give back to the world through humanitarian assistance and technical cooperation. Three areas of interest can be further illustrated as follows:

1. Technical cooperation and assistance

Taiwan has made great efforts to help realize the elimination of poverty and hunger as set in the United Nations Millennium Development Goals. Besides sharing its development experience with the global community, Taiwan assists its diplomatic allies and friendly countries with their public projects and their social, agricultural and private sector development. Taiwan's development aid is mainly handled through the Taiwan International Cooperation and Development Fund, which currently sponsors 34 long-term technical missions in 29 partner countries.

2. Medical relief

Despite the fact that Taiwan is excluded from most international organizations and denied participation in the majority of international cooperation projects, Taiwan makes its best endeavours to help countries in need through the remaining available channels. If the specialized agencies of the United Nations system could accept Taiwan's participation in international cooperation, many of their projects would prove to be even more effective.

Taiwan also plays an active role in providing humanitarian assistance. Each year, Taiwan amasses some 100,000 tons of rice reserves earmarked for overseas humanitarian assistance. In addition, Taiwan's public and private sectors have boosted their participation in international relief and post-disaster reconstruction activities. Major examples of their assistance in the last two years include the following:

(a) In December 2006, when serious flooding hit Kenya, Taiwan sent an emergency medical team and donated 24,000 mosquito nets to people in the affected areas.

(b) On 6 March 2007, the Sumatra region of Indonesia was hit by a strong earthquake. Taiwan immediately sent medical teams to the disaster areas to provide emergency medical assistance.

(c) On 2 April 2007, an earthquake hit the Solomon Islands, causing a tsunami. The Taiwan Government immediately dispatched a medical mission with 200 kilograms of medical supplies to the disaster areas, and enlisted the help of Taiwanese fishing boats in the vicinity to transport the medical mission to the outlying islands of the Solomon Islands.

(d) On 4 May 2008, a cyclone hit Myanmar, and International Headquarters Search and Rescue Taiwan immediately dispatched a mission to assist in the rescue efforts. The Taiwan Government also donated US$ 200,000 for post-disaster reconstruction.

(e) On 12 May 2008, a strong earthquake hit Sichuan Province in the People's Republic of China. The Taiwan Government set up an emergency rescue task force the next day to send a team to the area to assist in the rescue work and provide food and relief materials. The total amount of donations from the Government, business community and private sector reached approximately US$ 220 million.

(f) On 14 June 2008, a strong earthquake hit Japan. The Taiwan Government donated ¥3 million (approx. US$ 25,000) each to the prefecture governments of Miyagi and Iwate.

3. Epidemic prevention

When avian flu was spreading rapidly throughout the world, Taiwan donated 600,000 Tamiflu capsules to Viet Nam in July 2005 and sent medical experts to Burkina Faso, Indonesia and Chad to assist in fighting the epidemic.

On 19 December 2006, Taiwan also sent a team of medical experts to Kenya when Rift Valley Fever broke out in that country. The team stayed there until 5 February 2007, after the outbreak was contained.

D. Taiwan's international participation encourages cross-strait dialogue

From 12 to 14 June 2008, Taiwan's Straits Exchange Foundation and the Association for Relations across the Taiwan Strait of the People's Republic of China resumed talks in Beijing on issues surrounding weekend charter flights and the opening of Taiwan to more mainland Chinese tourists. The agreement reached by the two sides is a good sign for future cross-strait interaction. In addition, the People's Republic of China has shown some goodwill regarding Taiwan's

participation in international organizations. If the People's Republic of China translates its goodwill into action by helping Taiwan participate meaningfully in the specialized agencies, it will create a more favourable atmosphere for cross-strait dialogue and opportunities for cooperation.

Furthermore, with increased cross-strait exchange and interaction, the two sides will have to work closely together to determine flight routes and exchange information on disease prevention and so forth, to protect the interests and welfare of their peoples. If Taiwan could participate in international organizations to acquire the latest information available, it would help the two sides reach a consensus on issues of mutual concern affected by international regulations.

E. Taiwan's meaningful participation in the specialized agencies would help promote peace and cooperation in the Asia-Pacific region

Globalization has deepened interdependence among countries. As a result, neighbouring countries have been forming regional organizations so as to better coordinate on functional and technical issues. The issues that the specialized agencies of the United Nations system handle tend to be functional and technical in nature. Therefore, allowing Taiwan's participation would be helpful for the two sides of the Taiwan Strait to set aside differences and strengthen cooperation on issues of mutual concern, thereby reducing misunderstanding and friction gradually. Accordingly, Taiwan's meaningful participation in the specialized agencies would help prevent conflicts and promote stability and prosperity in the Asia-Pacific region.

III. Conclusion: filling the gap to ensure regional peace and prosperity

Cross-strait relations have been warming up since May 2008, and leaders of both sides have openly shown a willingness to shelve disputes so as to create a win-win situation. This development has been warmly welcomed by the international community.

It is time for the United Nations system to find a solution to the exclusion of Taiwan from this most important global forum. Only by allowing Taiwan to participate meaningfully in the specialized agencies can the principle of universality be fulfilled, and regional peace and prosperity be ensured.

Annex II

Draft resolution

The General Assembly,

Considering, with concern, the fact that the exclusion of the participation of the 23 million people of the Republic of China (Taiwan) from the United Nations and its specialized agencies since 1971 has deviated from the principle of universality upheld in the Charter of the United Nations,

Noting that, being the most important multilateral platforms for dealing with global issues in the era of globalization, the specialized agencies of the United Nations system should accept Taiwan's participation based on the principle of universality,

Acknowledging that Taiwan is ready, willing and able to participate in international cooperation and give back to the rest of the world and that the international community suffers losses from Taiwan's continued exclusion from the specialized agencies,

Recognizing that Taiwan's meaningful participation in the activities of the specialized agencies is conducive to cross-strait dialogue and peace and cooperation in the Asia-Pacific region,

Decides to recommend to the specialized agencies of the United Nations system to accept the meaningful participation of the 23 million people of the Republic of China (Taiwan) in their activities.

United Nations A/63/194/Add.1

General Assembly

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Sixty-third session

Request for the inclusion of a supplementary item in the agenda of the sixty-third session

Need to examine the fundamental rights of the 23 million people of the Republic of China (Taiwan) to participate meaningfully in the activities of the United Nations specialized agencies

Letter dated 14 August 2008 from the representatives of Belize, Burkina Faso, El Salvador, the Gambia, Honduras, the Marshall Islands, Nauru, Nicaragua, Palau, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Solomon Islands, Swaziland and Tuvalu to the United Nations addressed to the Secretary-General

Addendum

Add the following name to the list of signatories:

(*Signed*) Tessie Eria **Lambourne**
Secretary for Foreign Affairs and Immigration
Kiribati

08-49125 (E) 260808

United Nations A/63/195

General Assembly

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Sixty-third session

Request for the inclusion of a supplementary item in the agenda of the sixty-third session

Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law

Letter dated 15 August 2008 from the Permanent Representative of Serbia to the United Nations addressed to the Secretary-General

I have the honour to forward, enclosed herewith, a letter that Vuk Jeremic, Minister for Foreign Affairs of the Republic of Serbia, delivered today to the Deputy Secretary-General of the United Nations (see annex) with the request of the Republic of Serbia regarding the inclusion in the agenda of the sixty-third session of the General Assembly, under heading F, "Promotion of justice and international law", of a supplementary item entitled "Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law", with subsequent consideration of the item directly at a plenary meeting of the General Assembly.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly.

(*Signed*) Pavle **Jevremović**
Ambassador
Permanent Representative

08-47060 (E) 250808

Annex to the letter dated 15 August 2008 from the Permanent Representative of Serbia to the United Nations addressed to the Secretary-General

15 August 2008

In accordance with rule 14 of the rules of procedure of the General Assembly, I have the honour to request the inclusion in the agenda of the sixty-third session of the General Assembly, under heading F, "Promotion of justice and international law", of a supplementary item entitled "Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law", with subsequent consideration of the item directly at a plenary meeting of the General Assembly.

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is herewith attached (see enclosure).

I should be grateful if you would have the text of the present letter and its enclosure circulated as a document of the General Assembly.

(*Signed*) Vuk **Jeremic**

Enclosure

Explanatory memorandum

The Provisional Institutions of Self-Government of Kosovo, a province of the Republic of Serbia under United Nations administration, pursuant to United Nations Security Council resolution 1244 (1999), unilaterally declared independence on 17 February 2008.

Although an overwhelming majority of Member States have not recognized Kosovo's independence, this act has caused a number of controversies and divisions within the international community.

The Republic of Serbia has continuously striven to achieve a consensual solution to the Kosovo issue through negotiations within the framework of the United Nations.

We hold that the most principled, sensible way to overcome the potentially destabilizing consequences of Kosovo's unilateral declaration of independence is to transfer the issue from the political to the juridical arena. Aside from reducing the diplomatic tensions that have arisen since the unilateral declaration of independence, such an approach would contribute to strengthening the rule of law in international relations. With this in mind, Serbia considers that the United Nations General Assembly, in view of the powers and functions conferred on it by the Charter of the United Nations, in particular by Articles 10, 13 and 96, has a crucial role to play in this regard.

The Republic of Serbia believes that an advisory opinion of the principal judicial organ of the United Nations — the International Court of Justice — would be particularly appropriate in the specific case of determining whether Kosovo's unilateral declaration of independence is in accordance with international law.

The international community considers the Court's impartial advisory opinions to be the most authoritative interpretations of the principles of the international legal order. Member States share a deep commitment to the safeguarding of these principles, yet some are uncertain as to which arguments involving these principles they can rely on in this particular case.

Many Member States would benefit from the legal guidance an advisory opinion of the International Court of Justice would confer. It would enable them to make a more thorough judgement on the issue.

Finally, an advisory opinion of the International Court of Justice, rendered in a non-contestable, non-adversarial manner, would go a long way towards calming tensions created by Kosovo's unilateral declaration of independence, avoiding further negative developments in the region and beyond and facilitating efforts at reconciliation among all parties involved.

By having recourse to the International Court of Justice, the General Assembly would ensure that the Kosovo issue becomes a symbol of renewed resolve concerning adherence to the rule of law by the international community.

United Nations A/63/196

General Assembly

Distr.: General
25 August 2008
English
Original: French

Sixty-third session

Request for the inclusion of a supplementary item in the agenda of the sixty-third session

Observer status in the General Assembly for the Global Fund to Fight AIDS, Tuberculosis and Malaria

Note verbale dated 15 August 2008 from the Permanent Mission of France to the United Nations addressed to the Secretary-General and the President of the General Assembly

The Permanent Mission of France to the United Nations presents its compliments to the Secretary-General and to the President of the General Assembly and has the honour, on behalf of the Member States of the European Union, to request, in accordance with article 14 of the Rules of Procedure of the General Assembly, the inclusion in the agenda of the sixty-third session of a supplementary item entitled "Observer status in the General Assembly for the Global Fund to Fight AIDS, Tuberculosis and Malaria".

The Secretary-General and the President of the General Assembly will find an explanatory memorandum and a draft resolution attached to this letter.

08-48939 (E) 260808 260808

Annex I

Explanatory memorandum

Historical background

1. The Global Fund to Fight AIDS, Tuberculosis and Malaria was established in 2002 following calls in 2001 by the Secretary-General and the General Assembly of the United Nations for the establishment of such a fund. It was established as an independent, public-private partnership Swiss Foundation and a quasi-international organization to provide financial support to the global fight against the epidemics of HIV/AIDS, tuberculosis and malaria in low- and middle-income countries highly affected by these diseases. The Global Fund currently has the status of a full public international organization in Switzerland and the United States.

Purpose

2. According to the Framework Document of the Global Fund: "The purpose of the Fund is to attract, manage and disburse additional resources through a new public-private partnership that will make a sustainable and significant contribution to the reduction of infections, illness and death, thereby mitigating the impact caused by HIV/AIDS, tuberculosis and malaria in countries in need, and contribute to poverty reduction as part of the Millennium Development Goals."

Membership

3. The Global Fund is a partnership of Governments, civil society, private sector corporations and foundations, and communities of persons affected by the three diseases. A total of 44 countries have contributed financial resources to the Global Fund, and the Global Fund has made grants to 136 countries in Africa, Asia, Australia, Europe, and Latin America and the Caribbean.

Organizational structure

4. The Global Fund functions through the Board, a Secretariat headed by an Executive Director, the independent Technical Review Panel, the Partnership Forum, and an independent Office of the Inspector-General.

(a) The Board of the Global Fund consists of representatives of donor and recipient Governments, non-governmental organizations, the private sector (including businesses and foundations) and communities affected by the three diseases. Key international development partners — the World Health Organization (WHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Bank — are also members of the Board, and the World Bank also serves as the Global Fund's trustee. The Board is the decision-making organ of the Global Fund.

(b) The Secretariat is responsible for the day-to-day operations of the Global Fund, including mobilizing resources from the public and private sectors, managing grants, providing financial, legal and administrative support, and reporting information on the Global Fund's activities to the Board and the public.

(c) The Technical Review Panel reviews eligible grant proposals for technical merit including soundness of approach, feasibility, and potential for

sustainability and, on the basis of this review, recommends proposals for funding to the Board.

(d) The Partnership Forum meets every two years, bringing together a broad range of global stakeholders to discuss Global Fund performance and to make recommendations on its strategy and effectiveness.

(e) The Office of the Inspector-General operates as an independent unit of the Global Fund, reporting directly to the Board. The primary purpose of the Office of the Inspector-General is to provide the Global Fund with independent and objective oversight to ensure the integrity and effectiveness of its programmes and operations including compliance with policies and procedures.

Finance

5. The Global Fund is funded by contributions from Governments, corporations and foundations, usually through multi-year pledges. The Global Fund has a Voluntary Replenishment Mechanism, and the current replenishment period is 2008-2010. Total pledges and contributions to the Global Fund through 2010 amount to US$ 20 billion, with approximately $11 billion paid in.

Activities

6. The Global Fund provides financing to programmes for the prevention, treatment and care of HIV/AIDS, tuberculosis and malaria through funding cycles in which it issues periodic calls for proposals from multisector partnerships of Governments, civil society and private sector partnerships in highly affected developing countries, evaluates these proposals, and disburses funds to Board-approved proposals.

7. The Global Fund has so far committed $11 billion to programmes in 136 countries in seven funding rounds. As the Global Fund is a performance-based funding institution, funding follows performance, with funds disbursed only upon proof of performance with initially disbursed tranches of funds. The Fund has so far disbursed approximately $6 billion. A total of 60 per cent of the resources of the Global Fund have gone to support prevention, treatment and care programmes in Africa; 20 per cent have gone to Asia, and the rest to Latin America and the Caribbean and to Eastern Europe.

8. The Global Fund has its headquarters in Geneva, and has no country offices. It relies on its partnerships with other development and technical partners, civil society and the private sector to support countries in delivering effective programmes and services to communities in need. These programmes evolve from national plans and are developed by implementing countries rather than the Global Fund. The programmes are developed by Global Fund Country Coordination Mechanisms, which are independent, national-level multisector partnerships that reflect the global partnership structure of the Global Fund. Less than 3 per cent of annual commitments by the Global Fund are utilized for the central management of the Global Fund each year.

9. A number of principles guide the operations and activities of the Global Fund. The Fund operates as a financial instrument, not an implementing entity. It makes available and leverages additional financial resources to support programmes that reflect national ownership. The Fund operates in a balanced manner in terms of

regions (reflecting the burden of diseases and consequent demand from each region), diseases and interventions, and pursues an integrated and balanced approach to prevention and treatment. It evaluates proposals through independent review processes, and operates transparently, with accountability.

10. In comparison to other sources of funding, Global Fund resources provide 25 per cent of global financing for the fight against HIV/AIDS, 65 per cent of the global financing for malaria interventions, and 65 per cent for tuberculosis. A total of 61 per cent of Global Fund resources go to HIV/AIDS programmes, 25 per cent to malaria, and 14 per cent to tuberculosis.

11. The Global Fund has achieved significant global impact in the fight against these pandemics in the six years of its existence: financing by the Global Fund has put 2 million people on treatment for HIV/AIDS, 4 million on treatment for tuberculosis, and provided 60 million insecticide-treated bed nets to prevent malaria in Africa and Asia.

12. The current focus of the Global Fund is to scale up its impact even further in relation to the needs created by the three diseases. To this end, the Fund is working with its partners to mobilize markedly increased demand for its financial resources by highly affected countries in future funding rounds, and to support countries to increase their capacity to utilize these resources effectively.

Relations with other organizations

13. The Global Fund has requested observer status in the United Nations Economic and Social Council.

14. The Global Fund has signed a number of memorandums of understanding with its partners, UNAIDS and its 10 co-sponsors,[1] and the Stop TB Partnership to strengthen and deepen the close collaboration that exists between the Fund and these entities. The Global Fund has had an Administrative Services Agreement with the World Health Organization since 2002.[2] The Global Fund also has close collaboration with the United Nations Development Programme, which is an implementer of Global Fund-financed programmes in several countries, as well as with the Roll Back Malaria Partnership and the World Bank, which is the trustee of the Global Fund's resources and from where disbursements to Global Fund-financed programmes are made.

15. The Global Fund has been active in the work of a number of key platforms for major players in global health, working with other organizations towards harmonization, avoiding duplications, and clarifying the roles of each organization in this sphere of development. Examples include the Global Task Team on Improving AIDS Coordination among Multilateral Institutions and International

[1] Specific follow-up operational arrangements may be developed with individual UNAIDS co-sponsors as may be necessary, under the overarching framework of this memorandum of understanding.

[2] The Board of the Global Fund decided at its sixteenth meeting that the Administrative Services Agreement will be terminated on 31 December 2008, and also decided to explore alternative ways to ensure that the Global Fund and the United Nations system, including WHO, maintain strong partnership relations.

Donors and the H8, an informal group of the heads of the major global organizations playing leading roles in international public health.[3]

Reasons for seeking observer status for the Global Fund

16. The mandate of the Global Fund explicitly states that the Fund was established to contribute to the achievement of the Millennium Development Goals adopted by the General Assembly in 2000. The work of the Global Fund is directly related to the Millennium Development Goals that address issues of global health, as well as Millennium Development Goal 8 — to establish a global partnership for development. The Global Fund has established itself as the primary multilateral funding institution for Millennium Development Goal 6 (reversing the impact of HIV/AIDS and malaria).

17. There is movement towards annual review and accountability for progress towards achieving the Millennium Development Goals. The initiative of the President of the sixty-second session of the General Assembly, who hosted a high-level thematic debate on progress towards the Millennium Development Goals in April 2008, is part of this trend. It would be valuable for the Global Fund, as a key partner of the United Nations and its specialized agencies, to have the appropriate status to participate fully in this forum and thereby bring to the attention of the General Assembly the progress the Fund has recorded in contributing to the Millennium Development Goals.

18. Specialized agencies and United Nations funds and programmes are key operational partners for the Global Fund. The model of the Global Fund depends on these partnerships to achieve its agreed objectives. Being granted observer status in the General Assembly would boost the capacity of the Global Fund to collaborate with other United Nations agencies involved in global health and development and, hence, would allow the Global Fund to better fulfil its mandate.

19. The history of the Global Fund is inextricably linked to the United Nations, which played a key catalytic and convening role in the creation of the Global Fund. Against this background, the United Nations system clearly gave global legitimacy to the need for such a financial mechanism. The World Health Organization provided administrative hosting facilities to the Fund after its creation, through the Administrative Services Agreement between the Global Fund and WHO. With the scheduled termination of the Administrative Services Agreement by 31 December 2008, it has become necessary to establish an alternative organic link between the Global Fund and the United Nations system. Observer status for the Global Fund in the United Nations General Assembly would provide such a strong organic link.

20. The coverage and impact of the Fund is global, with $11 billion so far committed to prevention, treatment and care programmes in 136 countries. When the more than 40 countries that have contributed resources — some of them implementing countries as well — to the Global Fund are considered together with the implementing countries, the universality of the work of the Global Fund becomes clear: nearly 180 States Members of the United Nations are partners in the Global Fund, either as donors or as implementers of life-saving programmes funded

[3] The H8 includes the heads of the World Bank, the Global Fund, WHO, UNAIDS, UNICEF, the United Nations Population Fund, the Global Alliance on Vaccines and Immunization and the Bill and Melinda Gates Foundation.

by the Fund. This factor of the universality of the work of the Global Fund, together with others, makes observer status for the Global Fund in the General Assembly one that would contribute to the overall effectiveness of the Global Fund.

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Annex II

Draft resolution submitted by the European Union

Observer status in the General Assembly for the Global Fund to Fight AIDS, Tuberculosis and Malaria

The General Assembly,

Wishing to promote cooperation between the United Nations and the Global Fund to Fight AIDS, Tuberculosis and Malaria,

1. *Decides to invite* the Global Fund to Fight AIDS, Tuberculosis and Malaria to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.